

## HOUSE BILL NO. 176

INTRODUCED BY S. GALLOWAY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COUNTY UTILITY PERMITTING AUTHORITY; REVISING THE PAYMENT OF DAMAGES; AMENDING SECTIONS 7-13-2101, 7-13-2103, AND 7-13-4101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-13-2101, MCA, is amended to read:

**"7-13-2101. Authority to permit construction of utility mains.** The board of county commissioners shall have the power and authority to grant to any person, association, or corporation the right to construct and maintain in, along, and under any public road or highway within ~~such a~~ county, within any county easements, on or within any county-owned property, within any county utility corridor, and within any county right-of-way any pipeline for the conveyance of natural or artificial gas, water, broadband infrastructure, or any other substance for the use of any county, city, or town or ~~the its~~ inhabitants ~~thereof~~."

**Section 2.** Section 7-13-2103, MCA, is amended to read:

**"7-13-2103. Payment of damages and restoration of road.** The person, association, or corporation owning or constructing ~~such a~~ pipeline or other required infrastructure:

(1) shall compensate ~~such a~~ county for any ~~and all~~ damages done to any ~~such~~ road or highway in the laying, construction, or maintenance of ~~such a~~ pipeline; and

(2) shall promptly restore any ~~such~~ road or highway to its former condition of usefulness, without interference with the traffic ~~thereon~~ on it."

**Section 3.** Section 7-13-4101, MCA, is amended to read:

**"7-13-4101. Authority to permit laying of utility mains.** (1) The city or town council has power to permit the use of the streets and alleys, other property, rights-of-way, utility corridors, or easements of the city

1 or town for the purpose of laying down gas, water, and other mains, and broadband infrastructure, but ~~no~~  
2 excavations ~~must~~ may not be made for ~~such this~~ purpose without the permission of the council or its authorized  
3 officer.

4 (2) The streets and alleys must be placed in as good condition by the person or corporation  
5 making the excavation as they were before the excavation was made and the mains laid down. In default  
6 ~~thereof of this~~, the council may order the same to be done at the expense of ~~such the~~ person or corporation."

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8 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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